

Special Civil Application No 5996 of 95

Date of decision: 24/01/96

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KAROVA TARABEN ARVINDBHAI

vs

DIRECTOR OF SECONDARY EDUCATION

Appearance:

MR CM BHUTADIA for Petitioner
SHRI V.B.GARADIA AGP for Respondent No. 1 & 2.
MR PS PATEL for Respondent No. 3

Coram : MR.JUSTICE C.K.THAKKER

ORAL JUDGEMENT

Rule. Mr.V.B.Garadia appears for respondent nos.1 and 2 and waives service of rule. Mr.P.S.Patel, appears for respondent no.3 and waives service of Rule. In the facts and circumstances of the case, the hearing of this petition is taken up to day.

2. This petition is filed by the petitioner, who is widow of one Arvindbhai Badaji for getting appointment on compassionate ground in the school of respondent no.3. It is her case that her husband was serving as Peon and he expired on November 19, 1993

during his service period. It appears that the petitioner had made an application to respondent no.3 on December 13, 1993 as also on January 10, 1994. According to her, inspite of two applications, respondent no.3 had not given any appointment and hence she has issued a notice through her advocate to the Director of Education, respondent no.1 on September 15, 1994. Even that notice is not replied and hence this petition.

3. I have heard the learned counsel Mr.C.M.Bhutadia, for the petitioner and Mr.Garania for the respondent nos.1 and 2 and Mr.P.S.Patel for respondent no.3.

4. The learned counsel for the petitioner contended that inspite of the application to respondent no.1 as well as respondent no.3, no appointment is given. He, however, contended that respondent no.1 has not granted prayer but not even disposed of the representation made by her. So far as respondent no.3 is concerned, Mr.P.S.Patel, learned counsel for the respondent no.3 submitted that necessary application is required to be made to the authorities and only thereafter if it is granted appointment can be made by respondent no.3. Prima facie, there is some substance in what Mr.Patel says. So far as respondent no.1 and 2 are concerned, it is clear that the representation was made but the same has not been disposed of by the respondent no.1. Hence, it is directed that respondent no.1 to decide the representation made by the petitioner as expeditiously as possible preferably within four weeks from the date of the receipt of the writ. Rule is made absolute to the above extent with no order as to costs.DS.
